

B. CLYDE HUTCHINSON, 037526  
AN H. NGUYEN, 215453  
LOMBARDI, LOPER & CONANT, LLP  
Lake Merritt Plaza  
1999 Harrison Street, Suite 2600  
Oakland, CA 94612-3541  
TEL: (510) 433-2600  
FAX: (510) 433-2699

Attorneys for Defendants  
NATIONAL RAILROAD PASSENGER CORPORATION,  
UNION PACIFIC RAILROAD COMPANY, AND  
STATE OF CALIFORNIA, DEPARTMENT OF  
TRANSPORTATION/CALTRANS

UNITED STATES DISTRICT COURT—  
EASTERN DISTRICT OF CALIFORNIA—SACRAMENTO DIVISION

JOSHUA WARD, FONDA WARD,  
Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
TRANSPORTATION/CALTRANS;  
CALIFORNIA AMTRAK; STATE OF  
CALIFORNIA; JACOB KEATING; COUNTY  
OF SACRAMENTO; COUNTY OF YOLO;  
CITY OF WEST SACRAMENTO; UNION  
PACIFIC RAILROAD COMPANY, a business  
organization of unknown status; and DOES 1  
through 50, inclusive,  
Defendants.

Case No. CIV. S-04-678 FCD PAN

**STIPULATION AND ORDER OF  
PARTIES TO CONTINUE PRETRIAL  
CONFERENCE DATE**

Present date: October 14, 2005

**RECITALS**

1. The Court has scheduled a pretrial conference date of October 14, 2005.

2. Trial is set for February 14, 2006.

3. The parties had attempted an unsuccessful mediation prior to the Court's ruling on Defendants' dispositive motion on July 8, 2005.

3. The parties received a ruling on Defendants' dispositive motion in late July 2005 and a motion for reconsideration concerning the same in early September 2005.

4. The parties would like to explore and possibly attempt another mediation of this matter. The October 14, 2005 pretrial conference date is imminent and does not permit the parties' sufficient time to attempt another mediation.

**STIPULATION/REQUEST**

5. Therefore, the parties stipulate and request that the Court continue the pretrial conference and attendant deadlines for 30-60 days.

6. The parties request that the trial date remain February 14, 2006.

DATED: September 28, 2005

LOMBARDI, LOPER & CONANT, LLP

By: /s/ An H. Nguyen  
AN H. NGUYEN, for Defendants  
National Railroad Passenger Corporation, Union Pacific  
Railroad Company and Jacob Keating

DATED: September 28, 2005

LAW OFFICES OF ROBERT A. PIERING

By: /s/ Robert A. Piering  
ROBERT A. PIERING, for Plaintiffs Joshua Ward  
and Fonda Ward

**ORDER**

IT IS SO ORDERED. The pretrial conference date shall be continued to December 9, 2005 at 2:30p.m. The joint pretrial statement shall be filed 7 days prior to this date.

DATED: September 29, 2005

By: /s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL, Jr.  
U.S. DISTRICT COURT JUDGE